## BEFORE THE ARBITRATOR

In the Matter of the Arbitration

DODGE COUNTY SHERIFF'S DEPARTMENT : Case 169 EMPLOYEES, LOCAL 1323-B, AFSCME, AFL-CIO

of a Dispute Between

: No. 46671 : MA-7038

and

DODGE COUNTY (SHERIFF'S DEPARTMENT)

Appearances:

Mr. James L. Koch, Staff Representative, on behalf of the Union. Mr. Ralph E. Sharp, Jr. Corporation Counsel, on behalf of the County.

## ARBITRATION AWARD

The above-entitled parties, herein the Union and County, are privy to a collective bargaining agreement providing for final and binding arbitration before a Wisconsin Employment Relations Commission staff arbitrator. Pursuant thereto, I heard this matter on February 11, 1992, in Juneau, Wisconsin. The hearing was transcribed and I there issued a bench decision which this Award augments.

Based upon the entire record, I issue the following Award.

## DISCUSSION

The facts here show that grievant Ronald F. Faust, a patrolman who worked second shift and who has 15 years seniority, was passed over for a newlycreated Corporal position on the second shift even though he has more seniority than James Bublitz, who was chosen for said position, and even though the parties had agreed previously that if qualified, more senior applicants would be awarded any such new positions.

This dispute therefore is to be resolved on the following basis:

- Faust is to be offered the next vacant Corporal position within the bargaining unit, irrespective of what shift it is on.
- Faust at that time is to be given 5 days in 2. . which to either accept or reject said position.
- If Faust turns down said position, he should be eligible for any succeeding vacant Corporal positions within the bargaining unit pursuant to the contract, just like any other qualified applicants.
- Effective February 22, 1992, Faust shall be assigned to the 3:00 p.m. 11:00 p.m. shift.
- This Award is on a non-precedent basis and shall 5. not be relied upon by either party for any future disputes they may have.

In order to resolve any questions which may arise over application of this Award, I shall retain jurisdiction indefinitely.

Dated at Madison, Wisconsin this 26th day of February, 1992.

By Amedeo Greco /s/
Amedeo Greco, Arbitrator

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